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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,734	01/06/2006	Steve E. Hoffman	9436-24US1(220297)	1199

23973 7590 07/09/2007  
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EXAMINER	
ELEY, TIMOTHY V	

ART UNIT	PAPER NUMBER
3724	

MAIL DATE	DELIVERY MODE
07/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/563,734	HOFFMAN, STEVE E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy V. Eley	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 January 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/6/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION*****Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- The following phrases in the claims are vague, indefinite, and/or awkwardly and confusingly worded, and are therefore not fully understood:

- "a lid . . . container"(claim 1, line 7). Is there a single lid that removably engage with each container, or a plurality of lids, one for each container?
  - "a lifting mechanism . . . container"(claim 1, lines 8 and 9). Is there a single lifting mechanism attached to each lid, or a plurality of lifting mechanisms, one each of a plurality of lids?
  - "a lift arm . . . container"(claim 16, lines 14 and 15). Is there a single lift arm, or a plurality of lift arms?

- If there is more than one lid, one lift arm, one container, and more than a single lifting mechanism, the following changes below are recommended to reflect this(applicant should make any changes necessary to adequately recite the disclosed invention):

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- o "said lifting mechanism"(claim 2, line 1) should be changed to --each of said lifting mechanisms--.
- o "said container"(claim 4, line 3) should be changed to --each container--.
- o "bearing blocks"(claim 3, line 2) should be changed to --respective bearing blocks--.
- o "the bearing block"(claim 4, line 4) should be changed to --each respective bearing block--.
- o "the bearing block"(claim 5, line 2) should be --the respective bearing block--.
- o "said container"(claim 6, line 2) should be changed to --said at least one container--.
- o "the container"(claim 7, line 2) should be changed to --the at least one container--.
- o "the container"(claim 7, line 4) should be changed to --the at least one container--.
- o "the lid"(claim 8, line 3) should be changed to --the at least one lid--.
- o "the bearing blocks"(claim 16, line 11) should be changed to --respective bearing blocks--.
- o "said container"(claim 16, line 12) should be changed to --each said container--.
- o "the bearing block"(claim 16, line 13) should be changed to --the respective bearing block--.

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- o "said container"(claim 16, lines 14 and 15) should be changed to --each said container--.
- o "said container"(claim 16, lines 16 and 17) should be changed to --said respective container--.
- o "the container"(claim 16, line 24) should be changed to --the associated container--.
- "the pivotably mounted mass of the lid"(claim 7, line 3; claim 16, line 25), and "said drive mechanism"(claim 15, lines 1 and 2) both lack proper antecedent basis since they were not properly earlier referred to.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman(5,355,638) in view of Fujishiro(6,758,729).

- Hoffman discloses a vertical processor comprising: an outer drum(100) having an inner surface; a plurality of inner containers(200) positioned within the outer drum and adapted to be driven into engagement with the inner surface of the outer drum by centrifugal motion, each container having an open top; and a drive system(which includes shaft 260) for

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centrifugally driving the inner containers within the drum. See figure 5, and column 4, lines 51-66).

- Hoffman does not disclose a lid adapted to removably engage with each container for closing the container; and a lifting mechanism attached to each lid and adapted to lift the each respective lid off of the container.
- However, Fujishiro discloses a vertical processor having a plurality of containers(60) with open tops, lids(12), and lifting mechanisms(the elements which include numeral 14 and are each attached to the lids with screws), which can be used to lift the lids 12 off of the open tops, as broadly recited by applicant. See figure 4.
- Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Hoffman processor by providing a lid adapted to removably engage with each container for closing the container; and a lifting mechanism attached to each lid and adapted to lift the each respective lid off of the container, as taught by Fujishiro, in order to protect the contents of the containers from the environment.
- Regarding claim 15, the outer drum and the drive "mechanism" (system) have a common substantially vertical axis since the drive system includes shaft 260. See figure 5, and column 4, lines 34-50.

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***Allowable Subject Matter***

5. Claims 2-14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Claim 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

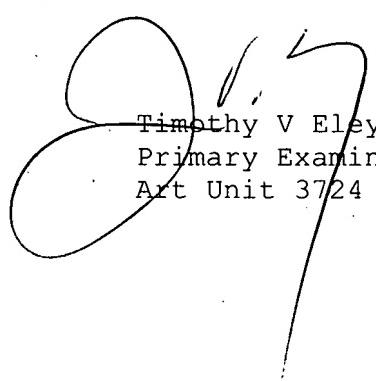
- The cited prior art discloses vertical processors having multiple containers.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V. Eley whose telephone number is 571-272-4506. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Timothy V Eley  
Primary Examiner  
Art Unit 3724

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